



Austin City Council MINUTES

For **OCTOBER 18, 1984 - 1:00 p.m.**

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of the Council, noting the absence of Mayor Mullen, who was out of the country visiting Austin's Sister City of Adelaide, Australia.

CITIZEN DID NOT APPEAR

Ms. Aundrea Moore, Director, National Federation of the Blind of Austin, had requested to discuss cab companies. Her problem had already been taken care of so she did not appear.

DOWNTOWN PARK

Mr. Jay Powell appeared before Council to discuss the need for a downtown park. He spoke against having a convention center on the site proposed near the auditorium. He suggested the question of the park versus a convention center should be on the January ballot.

Mr. James A. Pinedo appeared to state the 86 acres surrounding the auditorium should be park land.

Mr. Ray Reece appeared before Council to inform them a petition has been filed requesting an election for Charter amendment.

PUBLIC HEARING ON STRATFORD DRIVE

Dr. Jonathan L. Markley requested a public hearing to be set to discuss ways to protect Stratford Drive Neighborhood from intensive development. Council set the hearing for January 10, 1985 at 6:00 p.m.

MINUTES APPROVED

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, approved minutes of the regular meetings of September 20 and 27, 1984. (6-0 Vote, Mayor Mullen absent)

CONSENT ORDINANCES

The Council, on Councilmember Spaeth's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Mayor Mullen absent)

Operating Budget Amendment

Amended the 1984-85 Operating Budget by:

- a. Accepting and appropriating a grant award in the amount of \$47,498.00 from the Governor's Office of the State of Texas, Criminal Justice Division, for the Juvenile Delinquency Prevention through Crisis Intervention Program.
- b. Accepting and appropriating a one time grant from the Private Industry Council in the amount of \$75,531.00 to assist with the establishment of a weatherization training center for low-income participants.

Public Utility Franchise

Passed through FIRST READING of an ordinance granting a Public Utility Franchise to operate a taxicab service to Austin Cab Company.

Passed through FIRST READING of an ordinance granting Public Utility Franchise to operate a taxicab service to Harlem Cab Company.

Smoke Detectors & Fire & Safety Equipment

Amended Chapter 13-5 of the Austin City Code by amending Section 13-5-1810(b) to state specific implementation dates for retroactive installation of smoke detectors and fire and safety equipment.

Item to be Brought Back

Consideration of amending the Wastewater Tap Moratorium Ordinance will be held October 25, 1984.

10/18/84

Taxicab Ordinance

Passed through THIRD READING of an ordinance amending Article III Chapter 8-7 of the Austin City Code, pertaining to the Taxicab Ordinance.

Item Pulled

Council pulled from the agenda an ordinance to exempt Transwestern Property Company from application of the Capital Recovery Fee for the Barton Oaks Plaza Project.

Zoning Ordinance Amendments

Approved amending the following Zoning Ordinances to correct various errors relating to the legal description, file numbers, addresses, use designations or height and area designations:

- a. Ordinance No. 831202-V - C14-83-215
- b. Ordinance No. 840105-M - C14-83-085
- c. Ordinance No. 840301-W - C14r-83-324
- d. Ordinance No. 810923-D - C14r-81-019
- e. Ordinance No. 840426-H - C14r-83-167
- f. Ordinance No. 840301-N - C14-83-269

Zoning Ordinance

Passed through second reading only of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change: (5-0 Vote, Councilmember Shipman abstained, Mayor Mullen absent)

O.D.KENDRICK &	7002-7004 Manchaca	From "A" 1st H&A
CURTIS BAGGE	2000-2002 Mimosa	to "O-1" 1st H&A
C14-83-335		

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

- a. BARBARA BRAUNER 3001 Manchaca Road From "A" 1st H&A
By Les Pittman to "O-1" 1st H&A
C14-84-126

EMERGENCY PASSAGE

- b. TRAMMEL CROW 8006 Cameron Road From Interim "A" 1st
By Cunningham-Graves, 1200-1408 Rutherford H&A to "DL" 1st H&A
Inc. C14-84-047 Lane

5-0 Vote, Councilmember Shipman abstained,
Mayor Mullen absent.

ZONING - (Continued)

- c. CALLAWAY/COLEMAN JOINT VENTURE
By James H. Coleman
C14r-84-050
- 4500 & 4544 S. Lamar Boulevard
- From "AA" 1st H&A
to "O" 2nd & "GR"
1st H&A

EMERGENCY PASSAGE OF ORDINANCE

(5-1 Vote, Councilmember Shipman voted No, Mayor Mullen absent)

- d. A. JO BAYLOR
By Ron D. Beard &
Assoc.
C14-84-245
- 1200-1204 Rosewood Avenue, 1101-1103 Navasota
- From "A" 1st H&A
to "LR" 1st H&A

EMERGENCY PASSAGE OF ORDINANCE

- e. CFE HARDIN JOINT VENTURE
By Charlie Graves, Jr.
C14r-84-110
- 8627 MoPac Expressway North
- From "GR" 1st H&A
to "O-1" 2nd H&A

- f. THOMAS LIVINGSTON
By John D. Ewald
C14-84-193
- 11308 Jollyville Road
- From "BB" 1st H&A
to "O-1" 1st H&A

(5-1 Vote, Councilmember Shipman voted No, Mayor Mullen absent)

- g. HARBOR VILLAGE PUD
C814-74-007
- Harbor Village Trail, Carlos Loop, Eklund Cove, Carlos Drive, also bounded by Westlake Drive, Westlake Cutoff and Lakeshore Drive
- From Interim "A" 1st H&A
to P.U.D.

- h. DEWEY T. SHANNON
By K.M. Kavoussi, M.D.
C14-84-151
- 4303 James Casey
- From "A" 1st H&A
to "O-1" 1st H&A

- i. OLTORF-BEN WHITE JOINT VENTURE
- Proposed Oltorf Street and Ben White Blvd.
- From Interim "AA" 1st H&A to "GR" & "DL" 2nd H&A

EMERGENCY PASSAGE OF ORDINANCE

CONSENT RESOLUTIONS

The Council, on Councilmember Duncan's motion, Councilmember Spaeth's second, adopted the following resolutions in one consent motion: (6-0 Vote, Mayor Mullen absent)

Eminent Domain

Authorized Eminent Domain proceedings to acquire the following described tracts of land for Drainage Easements for the Boggy Creek Drainage Project:

- a. 1,505 sq. ft. out of Lot 3, Block L, Gullett Gardens No. 2. (Salvador H. Martinez, et ux Juana M. Martinez, owners.)
 - b. 1,092 sq. ft. out of Lot 4, Block 1, Gullett Gardens No. 2 (Pioquento Martinez et ux, Consuelo H. Martinez, owners)
-

Authorized Eminent Domain proceedings to acquire the following described tracts of land for wastewater and tunnel access shaft easements for the Onion Creek Wastewater Improvements Project:

- a. Two tracts of land out of a 104.60 acre tract of the Santiago Del Valle Grant. (T.C. Steiner, owner)
- b. Two tracts of land out of a 109.90 acre tract and a 100.27 acre tract out of the Santiago Del Valle Grant. (Richard A. Brunswick, owner)
- c. Two tracts of land out of a 371.55 acre tract and a 15.77 acre tract out of the Santiago Del Valle Grant. (Ford Smith Trust Investment Company, owner)
- d. Seven tracts of land out of 135.74, 563.94, 194.43, 563.94 & 7.11 tracts of land out of the Santiago Del Valle Grant. (Hal B. Armstrong, III and Theodore Waring Armstrong, owners.)

Lease Approved

Approved a lease for the Austin Municipal Federal Credit Union (Annex).

Release of Easements

Approved release of the following easements:

- a. 2.0 feet of a 7.5 foot drainage easement on Lot 12, Block J, Cat Mountain Villas III-B. (Request submitted by Mr. Shawn Hood)
- b. The Electric and Telephone Easement recorded in Volume 1849, Page 249 of the Travis County Deed

EASEMENTS - (Continued)

Records and located at Gardner Road approximately 300' south of Bolm Road. (Request submitted by Bury and Pittman.)

- c. An Electric Easement as recorded in Volume 2130, Page 312 of the Travis County Deed Records, South Congress at Circle S. Road. (Request submitted by Austin Independent School District)

License Agreement

Approved entering into the following License Agreement:

- a. To allow the encroachment of a canopy into the West 7th Street right-of-way, 100 block.
(Request submitted by Rust Properties.)

Right-of-Way

Approved acquisition of right-of-way for Jewell Street CDD #18 Project. (James S. Ramsey) C.I.P. No. 75/62-20

Capital Improvements Program

Approved a Supplemental Amendment No. 1 to the Professional Services Agreement between the City of Austin and Underground Resource Management, Inc., 2499-B Capital of Texas Highway, for the monitoring-well system, earth resistivity survey and monitoring required under the permit recently issued to the City for the expansion of the FM 812 Sanitary Landfill. CAPITAL IMPROVEMENTS PROGRAM No. 74/60-07.

Approved the following Change Order: In the amount of \$5,980.68 to Fitz Electric Company, for the lighting of ballfields at Walnut Creek District Park for the Parks and Recreation Department. (5.27% increase of the original contract)

Authorized purchase of an Electric Easement from the Missouri-Kansas-Texas Railroad Company. CAPITAL IMPROVEMENTS PROGRAM No. 85/13-12.

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. COLTIER CONSTRUCTION COMPANY
8215 View Ridge Drive
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Guadalupe Neighborhood Area
Alley Improvement - Phase I,
Public Works Department
Total \$35,996.50 C.I.P. No.
83/62-81 |
| b. M.P.M. COMPANY, INC.
146 Ohio
New Braunfels, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Electric
Distribution Facilities for
Wells Branch Subdivision, Phase F,
Electric Utility Department
Total \$43,458.95 C.I.P. No.
84/15-01 |
| c. DON E. PHILLIPS, INC.
8000 Blue Goose Road
Manor, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Williamson Creek, Section 2,
Electric Utility Department
Total \$127,808.18 C.I.P. No.
84/15-01 |
| d. A.J.W. CONSTRUCTION, INC.
1003 Howard Road
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Foundations for 138KV Transmission
Lines, Circuit 944, Electric
Utility Department
Total \$232,909.75 C.I.P. No.
75/13-06 |
| e. M.P.M. COMPANY, INC.
146 Ohio
New Braunfels, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Electric
Distribution Facilities for Wells
Branch Subdivision, Phase D,
Section 2, Electric Utility
Department
Total \$20,493.70 C.I.P. No.
84/15-01 |
| f. GENERAL ELECTRIC COMPANY
1550 NE Loop 410, Suite 206
San Antonio, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Protective Relays, Electric
Utility Department
Total \$7,905.00 C.I.P. No.
81/16-02 |

CONTRACTS APPROVED - (Continued)

- g. TRAFFIC SIGNALS, INC.
344 Travis Circle
Edmond, Oklahoma
- CAPITAL IMPROVEMENTS PROGRAM -
Flashers with Time Clocks,
Urban Transportation Department
Item - 1 - \$9,440.00 C.I.P. No.
84/88-01
- h. PACIFIC PUMPS DIVISION
Dresser Industries, Inc.
6830 Wynnwood
Houston, Texas
- Pacific Pump Repair Kits and
Repair Parts, Electric Utility
Department
Items 1-18 - \$28,092.25
84-0349-AV
- i. MAINTENANCE ENGINEERING CORP.
3711 Clinton Drive
Houston, Texas
- Permutit Demineralizer Cation
Resin, Electric Utility Department
Item 1 - \$7,963.20 84-0331-AV
- j. POTTERS INDUSTRIES
377 Route 17
Hasbrouck Heights, New Jersey
- Reflective Glass Spheres, Urban
Transportation Department
Twelve (12) Month Supply Agreement
Total \$16,000.00 84-0353-DC
- k. BABCOCK & WILCOX CONSTRUCTION CO.
223 Bernmar
Houston, Texas
- Repair work on Holly No. 1 and
No. 2, Electric Utility Department
Items 1, 4, & 6 - \$1,621,108.00
84-C365-JJ
- l. AUSTIN CARBONIC COMPANY, INC.
501 E. 3rd Street
Austin, Texas
- Air Mask Quick Seat, Safety
Equipment, Austin Fire Department
Item 1 - \$8,652.00 84-0355-AV
- m. TURNER SUBSCRIPTION AGENCY, INC.
116 East 16th Street
New York, New York
- Subscription Service (magazines
and newspapers), Austin Public
Libraries
Thirty-six (36) Month Supply
Agreement
Item 1 - \$190,000.00 84-0292-GW
- n. TEXAS PHARMACEUTICAL EDUCATION
& RESEARCH FOUNDATION, INC.
1624 East Anderson Lane
Austin, Texas
- Administration of Pharmaceutical
Dispensing Program, Health
Department
Twelve (12) Months Contract
Total \$1,400,000.00 85-S056-LI

CDBG Funds

Approved CDBG funds for Standard Rehabilitation Loans in the following amounts:

- a. Mastercraft Construction - \$19,400
- b. Chapa Construction (MBE) - \$16,250
- c. Chapa Construction (MBE) - \$19,400
- d. Texas Western Assoc. - \$12,630
- e. Installation by Alba (MBE) - \$13,025
- f. Chapa Construction (MBE) - \$19,869
- g. Installations by Alba (MBE) - \$18,200
- h. E&T Masonry Construction (MBE) - \$17,700
- i. Dandridge Construction (MBE) - \$17,870

Campus Shuttle Bus Route

Approved modifying the University of Texas East Campus shuttle bus route to better service the School of Nursing.

Wastewater Approach Main

Approved the following wastewater approach main:

REDDY GOGU

- Wastewater approach main to include approximately 29 acres of residential development for Collins Tract North. No City cost participation. No service connection will be allowed until the Big Walnut Creek Interceptor is constructed up to the subject tract and approval of an extended discharge permit for the Walnut Creek Wastewater Treatment Plant is obtained.

Councilmember Shipman stated for the record: "The approval of the service and the LUE's does not constitute approval of the land use requested with those LUE's, that is a matter of zoning that will be determined later."

Termination of Agreement

Approved Termination of Agreement with Travis Country concerning payment of \$3,800 Capital Recovery Fee.

Village Joint Venture

Approved the Supplemental Addendum regarding Compromise and Settlement Agreement with Village Joint Venture.

Item to Be Brought Back

Staff pulled from the agenda consideration of a resolution authorizing the construction of a 1.6 MGD Wastewater Treatment Facility until October 25, 1984.

Respiratory Therapy

Approved for Brackenridge Hospital to enter into an agreement with Dr. Harold Cain for the provision of medical directorship services for the Hospital's Respiratory Therapy Department. (Cost \$10,000).

Certificates of Obligation

Approved the form and content of the Official Statement and authorized the use thereof in the offering of \$3,500,000 Combination Tax and Solid Waste Disposal System Subordinate Lien Revenue Certificate of Obligation, Series 1984.

Public Hearings Set

Set public hearings on the following:

- a. Amendment to the Zoning Ordinance (Chapter 13-2) of the Austin City Code to zone newly annexed property Interim "SR" Suburban Residence District: October 25, 1984 at 7:30 p.m.

MEETING TIME CHANGED

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance to start the October 25, 1984 City Council Meeting at 10:00 a.m. (6-0 Vote)

Later Council voted to reconsider the time change, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 5-0 Vote, Councilmember Spaeth out of the room and Mayor Mullen absent.

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance to begin the October 25, 1984 Council Meeting at 9:00 a.m. (5-0 Vote, Councilmember Spaeth out of the room, Mayor Mullen absent.)

MAJOR EMPLOYER TASK FORCE DISCUSSED

Councilmember Shipman introduced an item to Council to discuss recommendation of a Major Employer Task Force.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, asked staff to assess and report back to Council. (6-0 Vote, Mayor Mullen absent)

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, set a public hearing on Major Employer Task Force for November 15, 1984 at 5:30 p.m. (6-0 Vote, Mayor Mullen absent)

BLOCKAGE OF CAPITOL VIEW

Councilmember Shipman introduced an item to Council concerning a staff report on Blockage of Capitol View by building at 11th and Trinity Streets. Councilmember Shipman said the building planned has a tower which will obstruct the view of the Capitol in that corridor.

Jim Duncan, Office of Land Development Service, said the proposed building is in the view corridor for a total of 40' and is 200' high. Councilmember Shipman requested the architect of the proposed building should be told that he must have another design.

INNER CITY ORDINANCE EXEMPTION

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, approved the request of Mr. James A. Warren for an exemption from the Inner City Ordinance allowing 5 windows to be placed along the north side of the existing building located at 3013 North Lamar. (6-0 Vote, Mayor Mullen absent)

Mr. Adon Sitra, who had requested to appear on the same subject, did not appear.

HEARING SET - WATERSHED ORDINANCE

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Ira Yates to set a public hearing concerning granting a conditional exemption from the lower watershed ordinance which will require alternative restriction for environmental protection for November 15, 1984 at 6 p.m. (6-0 Vote, Mayor Mullen absent)

FIRE LINE REQUEST

Mr. John Sabo appeared before Council to request them to authorize replacement of fire line (water) to Nixon Lane from MLK to deadend. After some discussion, Mayor Pro Tem Trevino asked Mr. Sabo to meet with the City Manager and come back to Council at the October 25, 1984 meeting.

NO ACTION TAKEN ON REQUEST

Council took no action on the request of Mr. J. Vernon Cook Jr., for Council to grant utility service to match the zoning at 6515 Manor Road.

TEMPORARY SUSPENSION OF SOUND ORDINANCE

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved the request of Ms. Francie Fergeson, representing College House Coops, for suspension of the Sound Ordinance for 2612 Guadalupe (Taos House) between the hours of 5:00 p.m. and 11:00 p.m. on October 20, 1984. (6-0 Vote, Mayor Mullen absent)

PUBLIC HEARING - BERM SIGNS

Mayor Pro Tem Trevino opened the public hearing set for 3:00 p.m. on proposed amendment to Chapter 13-2 (Zoning Ordinance) permitting berm signs in "BB" or less restrictive districts, and providing a definition and development standards for berm signs.

Marie Gaines, Office of Land Development Services, reviewed the proposed draft which is recommended. She said berm signs with planting around them would be approved.

Scott Roberts asked about a provision for differing set back 10' from the property line and roadway to property line of 30'. Councilmember Shipman asked for the staff to respond and Ms. Gaines suggested the hearing be continued so the proposal can be reviewed.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, voted to continue the public hearing to October 25, 1984 at 3:15 p.m. (6-0 Vote, Mayor Mullen absent)

CAPITOL VIEWS

Economics Research Associates gave their presentation on Capitol Views. Council will take action on December 6, 1984.

SAND BEACH RESERVE

The question of Sand Beach Reserve was covered by a City Manager Report concerning Ingress Egress Across Sand Beach Reserve to Private Properties at West 1st Street and Lamar Boulevard and two ordinances.

No action was taken on the proposed ordinance to consider the repeal of Ordinance No. 841004-R, which dedicated a portion of Sand Beach Reserve as a public roadway.

Councilmember Shipman said she had asked for further discussion of this subject two weeks ago and said she wanted it to be approved then contingent upon the City Manager looking into the possibility of access from the east or any other access. She said instructions were given to contact adjoining property owners to see if there is any way "we could provide access to property without utilizing park land."

City Manager Carrasco stated; "We went back and looked at the eastern access as one alternative. We identified three alternatives and the fourth one is a combination of those three. Mr. Allen Brecher will present a report on those and then, after that, we will ask the Director of Public Works to discuss the approach or access point that would involve using Bowie Street. After the reports were given, accompanied by slides and maps, the following motions were made:

Motion - DIED FOR LACK OF SECOND

Councilmember Shipman made a motion to repeal the ordinance which dedicated a portion of the Sand Beach Reserve as a public right-of-way based on that it does not meet the two findings of fact. There was no second to the motion.

Council then took under consideration the zoning ordinance.

Motion

Councilmember Rose made a motion, seconded by Councilmember Urby to pass waive the requirement for three readings and finally pass the following zoning change ordinance on an emergency basis:

JETCO PARTNERS
INTERNATIONAL
By William D. Brown
C14-83-140

219 N. Lamar Blvd. From "D" 3rd H&A
to "C" 3rd H&A

Friendly Amendment

Councilmember Shipman offered a friendly amendment that this does not mandate as brought forward in the back-up material in the

SAND BEACH RESERVE - (Continued)

zoning case that we take 18 feet off of Town Lake Park to provide left turning movement.

Councilmember Shipman went on to say "the applicant has submitted a letter and they are willing to pay for any improvements needed and they are not particular as to where that might be. If there is any way we can provide safe access from 1st Street to the turning movement without taking the park land. I think we ought to explore that down to the very end and would like that as a friendly amendment."

Friendly Amendment Accepted

Councilmember Rose accepted the friendly amendment.

Roll Call

5-0 Vote, Mayor Mullen absent, Councilmember Spaeth was out of the room.

Motion

Councilmember Shipman made a motion, seconded by Councilmember Rose that the City Council does hereby request the City Manager to immediately forward any proposal for the utilization of City owned park land for non-park land purposes to the City Council immediately when such proposals are filed". (She said this is to prevent further like situations.) (5-0 Vote, Mayor Mullen absent and Councilmember Spaeth out of the room.)

RECESS

Council recessed its meeting at 3:25 p.m. and resumed its recessed meeting at 4:00 p.m.

NO ACTION ON FOLLOWING ITEM

No action was taken by Council to rescind approval of an amendment to restrictive covenant granted for Zoning Case No. C14-78-068, 3702 Terrina. Mr. Bob Leonard said he agrees with the restrictive covenant as filed with the City Clerk.

AMENDMENT TO RESTRICTIVE COVENANT

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, granted as recommended the amendment to the restrictive covenant for the following:

AMENDMENT - (Continued)

C14-78	CIRAR -GOLDRICK	3702 Terrina	AMENDMENT TO RESTRICTIVE
068	PARTNERSHIP		COVENANT
	By Robert Laney		RECOMMENDED
	Vickers		<u>GRANTED AS RECOMMENDED</u>

(On Councilmember Rose's motion, Councilmember Shipman's second, 5-0 Vote, Councilmember Spaeth and Mayor Mullen absent)

WINDERMERE UTILITY COMPANY

Council had before them for consideration the approval of an agreement for right of first refusal with Windermere Utility Company.

Mr. Bill Faust, Water and Wastewater Commission, appeared before Council and read the following letter into the record: "On Wednesday, October 17, 1984 at its regular meeting the Water and Wastewater Commission by unanimous vote requested that I represent them in front of the Council on this item. Further, by unanimous vote, the Water and Wastewater Commission recommends the following changes be included in any agreement between the parties: (a) A method of determining the value of the utility company must be incorporated into the contract, (b) The contract must give Austin the right to initiate the purchase. As it is right now as written today either the third party or Windermere itself must initiate it and Austin would be forced to condemn to initiate that contract. (c) A right of first refusal must be extended further than four years and probably needs to be ten. Windermere should be required to agree to participate in regionalization of the Gileland and/or the Wilbarger drainage basin. We're trying very hard, as a sidelight, to figure out a regionalization of both of those basins. (e) By agreeing to allow Windermere 1500 acre increase we're effectively giving them 4500 acres. There are some 3000 acres in the upper region of the drainage basin that will be forced to go to Windermere in order to pump over into Wilbarger. This should not happen. What Austin is purchasing must be indicated. Are we purchasing all of the internals? Are we going to purchase the plant? If so, at what price? All of the internals must be installed in accordance with the City of Austin subdivision regulations. In the opinion of the Commission, the City of Austin should remain in opposition to the application until sound business contract can be agreed upon." /s/ W.M. Faust

Discussion followed. Then, Homer Reed appeared to say they have agreed to what staff asked them to do. The City can buy the system whenever they wish. He said they will accept everything but one formula concerning user fees and requested that the issue be separated before the Public Utility Commission with an agreement worked out.

WINDERMERE - (Continued)

Council directed staff to get terms of agreement finalized.

ZONING HEARINGS POSTPONED

Council postponed the following zoning hearings:

C14-84	Robert L. & Mary	1412 & 1414 W. 6th	From "B" 2nd H&A
251	D. Ogden	Street	To "O" 1st H&A
	By Micael		RECOMMENDED "O-1" 1st H&A
	Garrison		with no ingress or egress
			to Highland Avenue, provide
			6' privacy fence along
			the north property line,
			applicant is to submit
			site plan to neighbor-
			hood prior to City
			Council hearing.
			<u>POSTPONE TO 11/8/84 AT 4 P.M.</u>

C14r-84	Topletz Develop-	10909 F.M. 2222
237	ment Company	
	By Donna Kristaponis	

From Interim "AA" 1st H&A
To "GR" 1st H&A
NOT RECOMMENDED
RECOMMENDED "GR" 1st H&A
for building footprint;
"O-1" 1st H&A for remainder.
Approve site plan, subject
to providing an alternative
access to Riverplace and
closing easternmost access
nearest to Riverplace.
<u>POSTPONE TO 10/25/84 AT 4 P.M.</u>

ZONING HEARING

Mayor Pro Tem Trevino announced Council would hear the following zoning case scheduled for 4:00 p.m. Council heard, closed the public hearing, granted and instructed the City Attorney to draw the necessary papers:

C14-84	CITY OF AUSTIN	4009-4015 Avenue H	From "B" 1st H&A
152	By Office of Land	401-403 East 41st	To "A" 1st H&A
	Development Services	Street	RECOMMENDED
			GRANTES AS RECOMMENDED

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 5-0 Vote, Mayor Mullen absent, Councilmember Spaeth out of the room.)

PUBLIC HEARING - CDBG REPROGRAMMED FUNDS

Mayor Pro Tem Trevino opened the public hearing set for 4:30 p.m. on approving General Topic Areas for Community Development Block Grant (CDBG) Reprogrammed Funds.

Paula Phillips, Director, Housing and Community Services Department, stated, "City Council has established public hearings for today to look at the allocations of reprogrammed funds from Community Development Block Grant Funding totalling \$400,000.00. You set, a couple of weeks ago, areas that can be discussed relative to that and persons speaking today are to keep their comments to the areas that were established. (1) Loan packaging to businesses. (2) Research, development and implementation of a program to address the needs of Austin's transient population. (3) Capital business loan funds to again provide funding for that category should the Council wish to increase the allocation that is existing at this time. (4) Economic Development of east Austin which was included by the Council as a direct result of the Council Chamber joint report on economic development in the east Austin area. Those are the topic areas you need to consider today. We will ask at the conclusion of the public hearing that the Council set the RFP areas they wish to provide RFP's on and release them so you can vote by the end of November."

Mayor Pro Tem Trevino said he wanted the Council's feeling regarding the indigents. "I know it was suggested we could provide up to \$100,000 for indigent care. I expressed publicly that even though I am very sympathetic and have been working along with the other Councilmembers trying to help resolve or ease up the problem of indigents, but I feel strongly that the CDBG is supposed to be used for the local community in trying to help improve their situation. This Council has been talking about economic development and housing and it has been pointed out most of the money for CDBG has already been allocated to housing. The remainder of \$400,000, in my opinion, should be used in the broad area of economic development."

Councilmember Duncan agreed. Mayor Pro Tem Trevino said if there is not any objection by Councilmembers they will just instruct the staff that "we will not consider these monies for transient problems". Councilmember Rose concurred, also.

Don Dameron, chairman of Community Development Commission, discussed housing which he said has been priority of CDC for a long time. He said they have established a minimum of 70% of CDBG funds to be used for housing. He pointed out that is not a Council directive. They have set that as a Commission. Jobs came out as number two and economic development is third as far as level of priorities. Housing should remain a top priority, he said. Mr. Dameron said he feels the CDBG funds should be reserved for the low, low income people. The fact that the dollar is shrinking, the fact that those people cannot help themselves, need to be helped. We also think the private sector of this community should come forth and put together some sort of funding program to help initiate this type of program.

CDBG - (Continued)

Mr. Dameron suggested Council reserve a minimum of these reprogram funds, \$400,000, with 70% reserved for some sort of RFP related specifically to housing for the low, low income. We ask that you follow the initiative set forth in the Chamber of Commerce plan and that 30% of these monies go towards helping initiate that. "We feel like private sector funds should be involved in this area because the development of the community will be of benefit to them. We cannot forget that housing, in and of itself, is an economic development plan. Workers are being trained and contractors are receiving benefits from this and it is the whole purpose behind economic development."

Mayor Pro Tem Trevino told Mr. Dameron if "we follow your plan, then all we would have under CDBG would be \$125,000. We have already expended over \$5,000,000 in housing.

A man, who did not identify himself, spoke in favor of the National Business League program.

Marcos DeLeon, EACEDC, said they do important work concerning housing.

Tina Allen, NBL, spoke favorably concerning their help for her business.

Zeke Romo, EACEDC, spoke in favor of that organization.

Terry Gillis, Austin Families, Inc., spoke about the importance of child care for East Austin.

Oscar Martinez, Austin Minority Corporation, said \$200,000 should be appropriated for the business community in east Austin.

Paul Hernandez said neighborhood based minority groups in East Austin should be funded.

RECESS

Council recessed its meeting at 6:00 p.m. and resumed its recessed meeting at 6:55 p.m.

CDBG CONTINUED

When Council resumed its meeting the following motion was made:

CDBG - (Continued)

Motion

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, closed the public hearing.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Shipman's second, directed staff to prepare necessary RFP's referring to planning and programmatic activities designed to extend economic and employment opportunities in East Austin and other CDBG eligible target areas. It may include areas such as loan packaging assistance, market analysis, employment/job skills and private investment strategies. These RFP's will allow for multiple providers to be selected. Total not to exceed \$409,467. (5-0 Vote, Councilmember Spaeth and Mayor Mullen absent)

PUBLIC HEARINGS TO BE CONTINUED

Council unanimously approved continuance of the following public hearings.

5:00 hearing on amendments to Chapter 13-2 (Zoning Ordinance) to regulate development along R.R. 620 will be continued to November 8, 1984 at 2:30 p.m.

5:30 hearing on amendments to Chapter 13-2 (Zoning Ordinance) to regulate development along R.R. 2244 will be continued to November 8, 1984 at 2:30 p.m.

HAZARDOUS MATERIALS ORDINANCE

Mayor Pro Tem Trevino opened the public hearing set for 5:00 p.m. on proposed Hazardous Materials Management Ordinance.

Maureen McReynolds, director, OERM, appeared before Council to review the proposed ordinance. She said it would affect chemical industry, gas stations, large grocery stores, dry cleaners and paint shops and manufacturers.

Kirk Holland, Chamber of Commerce Hazardous Materials Task Force, discussed the ordinance. (Copy of his comments are on file in the City Clerk's office.)

Jackie Jacobsen, Sierra Club, spoke in favor of the ordinance.

Phyllis Brinkley told Council she would like solvent chemicals either not used in the aquifer zone or not used.

HAZARDOUS MATERIALS - Continued

Steve Kennedy, Kennedy Welding Supply, said he has reservations about the whole ordinance.

Dan Harrison wants the highest possible standards for disposal of hazardous materials.

Regina Schultz, transportation for survival, made some comments.

Pam Giblin, representing HEB, stated she is concerned with coverage of grocery stores.

Lowry Carpenter, LP Gas Association, asked exemptions as required by National Resource Code of the State of Texas.

William H. Hudspeth, representing Texas-Mid Continent, wants flammable liquids removed from the ordinance.

Charlie Watson, Victory Industries, discussed the ordinance.

Jackie Browning, Texas Oil Marketing Assn., said small oil dealers such as 7-11, etc., should not be included.

Chris McJangle said the ordinance will cripple small industry station operators.

Sam Listiak, attorney with Texaco, said some phases of the ordinance are unnecessary.

Tom Coor, Texaco Chemical Company, said they support the ordinance.

Wilbur Davis, Home Steam Laundry and Cleaners, expressed concern re some parts which would affect his business.

Frank Cooksey said there should be some prohibition concerning the Edwards Aquifer.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, voted to continue the public hearing on November 15, 1984 at 6 p.m. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.)

PUBLIC HEARING - APPEAL FROM MRS. JUDY WALKER

Mayor Pro Tem Trevino opened the public hearing set for 6:00 p.m. on an appeal from Mrs. Judy Walker of the Planning Commission's decision to grant a Special Permit for Frances Sternbert, 11911 Highland Oaks Trail. (C14p-84-053)

Jim O'Donnel, discussed the application for a child care facility at that address.

Peggy Bennett, representing the applicant, discussed the child care facility proposed and said it would not be a detriment to the neighborhood, nor would it cause traffic problems.

A woman in the neighborhood said she is opposed because of the safety of the children.

Judy Walker opposes and cited the special permit criteria not met.

Diana Jackson is opposed to the facility because of the extra traffic it will cause, the impervious cover if there is more parking area built, which will contribute to flooding, and the danger of a child falling into her swimming pool.

Bill Brewer opposes because he said this would be an intrusion into the neighborhood.

Motion

The Council, on Councilmember Rosé's motion, Councilmember Duncan's second, closed the public hearing and denied the Special Permit, based on criteria 1, 6 and 9. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.)

PUBLIC HEARINGS POSTPONED

Mayor Pro Tem Trevino announced the following public hearings will be postponed until January 10, 1984 at 6:00 p.m.:

1. Amend Chapter 13-3 (Subdivision Ordinance) Section 13-3-601a amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park.
2. Amend Chapter 13-2 (Zoning Ordinance) Section 13-2(a) by amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park.
3. Amend Chapter 9-10 (Rivers, Lakes and Watercourses) by amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park.

EXECUTIVE SESSION

Mayor Mullen announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters:

- a. Board and Commission appointments - Section 2, Paragraph g
- b. Pending Litigation:

- (1) Application of the Travis County WCID #17 and City of Cedar Park pending before the Public Utilities Commission for an amendment to their Certificates of Convenience and Necessity - Section 2, Paragraph e.
- (2) Houston Lighting and Power Company, et al v. Brown and Root, et al in Matagorda County and City of Austin vs. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.

RECESS

Council recessed for executive session at 8:45 p.m. and resumed their recessed meeting at 9:17 p.m.

BOARD & COMMISSION APPOINTMENT

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, approved the appointment of Agnes Edwards to the Parks and Recreation Board; and Stuart Hersh to the Energy Management Commission. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

ADJOURNMENT

Council adjourned its meeting at 9:20 p.m.